

June 6, 2008

E-19J

Cheryl Martin
Galtier Plaza
380 Jackson Street, Suite 500
St. Paul, Minnesota 55101-2904

RE: Draft Environmental Impact Statement for the Trunk Highway 23 and U.S. Highway 71 Reconstruction Project at Willmar, MN, CEQ #20080139

Dear Ms. Martin:

In accordance with United States Environmental Protection Agency (US EPA) responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Draft Environmental Impact Statement (DEIS) for the Trunk Highway 23 (TH 23) and U.S. Highway 71 (US 71) Project in Kandiyohi County, Minnesota.

The Minnesota Department of Transportation (MnDOT) proposes to reconstruct approximately 3.5 miles of TH 23 where it is joined with US 71 heading north from the City of Willmar, MN. The proposal would: 1) retain the same general alignment while converting the roadway to a freeway; 2) eliminate the nine at-grade intersections and replace them with grade separated interchange configurations; 3) add frontage road modifications/extensions for connections to the local road grid; and 4) provide access to a state boat launch that will be isolated by the at-grade closings. These changes anticipate improving safety along this section of a regionally significant corridor, improving roadway functionality and thus mobility through the corridor, promoting local and regional economic growth, and serving future projected land use changes. Modest ancillary parts of the project will be constructed in the near future, while the major project construction phase is scheduled to occur from 2015 through 2025 or beyond.

US EPA has participated in earlier scoping initiatives for this project, which began in July, 2006. We commented on a pre-publication DEIS on December 20, 2007. Alternatives presented in this DEIS include a no-action "baseline," four main roadway build alternatives, and four separately considered boat launch North Access Connector alternatives. These changes will impact area residents, commercial interests, a state park, other stakeholders, and natural resources. A preferred alternative is not identified in this DEIS.

We believe that additional information is needed to fully characterize several important aspects regarding this project. Our review of the TH 23 and US 71 DEIS raises concerns for wetlands, storm water, alternatives considered, noise and visual impacts, and undisclosed impacts, as discussed below. Based upon these human and natural environmental concerns and the information we request to be provided in the FEIS, we have assigned all alternatives a rating of "EC-2" (environmental concerns, insufficient information). Please refer to the enclosed Summary of Rating Definitions Sheet. This rating will be published in the Federal Register.

Water - Wetlands

We identified concerns in our December 20, 2007 comments regarding wetlands, surface water drainage, water quality, cumulative impacts, and construction run-off. General information is presented in the DEIS indicating that wetland avoidance and minimization has been accomplished, but provides no specific information. Indirect and cumulative impacts to these wetland resources should be addressed more fully in the FEIS. Specifically, the FEIS should address from a cumulative perspective, why so many of these important hydrologic systems for this area are low quality with invasive species, and what can be done to improve their functionality in this now urbanizing setting. The DEIS stated that the proposed mitigation will be addressed in the Combined Wetland Permit Application and a Wetland Replacement Plan, with the assertion that meeting the requirements for these permits will provide adequate mitigation. A conceptual mitigation plan should be included in the FEIS and present an assessment of what amounts of impacted wetland will be mitigated for, where that may be located and their availability, preferably within the same watershed, and what types of mitigation are being proposed, i.e. creation of new wetland sites, wetland restoration or purchase of mitigation banked wetlands. Maintenance and evaluation for the success of these mitigation proposals should also be discussed.

Water - Storm Water

Storm water run-off mitigation is similarly proposed to be addressed through meeting the requirements for a Minnesota Pollution Control Agency - National Pollution Discharge Elimination System (MPCA-NPDES) permit. The FEIS should discuss storm water mitigation indicating the quantities of storm water to be generated, how they would be collected or dispersed, what contaminants need to be treated and how, and the size and distribution of these mitigation measures. We recommend that information considered in Table 31 regarding acres of impervious surface to be created by this project be used to address this issue.

It is statement on page 101 that "since the project is in a rural roadway section in most places, it is not feasible or economical to capture and treat all of the storm water from the roadway." Our understanding from the DEIS is that the entire proposed project is stated to be within the Willmar Urban Growth Boundary and the project purpose is to accommodate the more than 2,000 anticipated new residence and commercial developments making this an urban setting. This is the time to plan for protecting the areas hydrologic resources.

A presentation of some approaches to construction run-off best management practices is provided in the DEIS, as practices in keeping with the MPCA-NPDES application. Recent observations indicate that some forms of erosion control are entrapping wildlife. We recommend that erosion control measures utilize compost socks, blankets and berms where feasible (see enclosed) for avoiding wildlife impacts and gaining faster and more bio-compatible results.

Further, because all of the major build alternatives will require re-channeling Hawk Creek passing under the new TH 23 / US 71, the indication of detention ponds, vegetated swales, treatment ponds and catch basins as design features that could be employed in maintaining flow, water quality and flood profiles is reassuring, but no details are provided. The FEIS should provide a more specific description of materials and designing features along with acreage required to accomplish these results, and maintenance and evaluation methods proposed to sustain their effectiveness. The FEIS should consider bridge construction features to better suit aquatic species passage and features to enhance wildlife migration connectivity, since road crossing for this three mile stretch will become even more daunting.

A brief mention is made in the DEIS, under storm water considerations, that all build alternatives will require abandonment of private wells. The FEIS should provide an analysis of how many wells, where they are located and a mitigation strategy for how these properties will obtain their drinking water. The FEIS should clarify if a public service utility will be extending a water supply and possibly sewer service to these sections of the project area. If so, then their connected impacts should also be discussed in the FEIS.

Alternative Considerations

We noted in our December 20, 2007 comments, that the North Access Connector alternative N4 has significant water environmental impacts due to filling or bridging the east end of Point Lake. The DEIS has further presented that a state designated Special Concern Species, *Najas mariana* or sea naiad, may be impacted by disturbing the shallow waters of this shoreline. Three other viable alternatives are presented in the DEIS that avoid such environmental concerns. These other alternatives also avoid the apparent potential of the N4 alternative for creating an immediately adjacent frontage road to the proposed curving TH 23 / US 71 roadway, a possible safety issue especially at night. For these reasons, we again recommend that the N4 alternative be dropped from further consideration in the FEIS. If N4 is again retained, the final environmental impact statement (FEIS) needs to explain why, given its environmental impacts.

Noise / Visual Impacts

Section 4.2 in the DEIS presents a good analysis and discussion of the potential noise levels and impacts associated with this project. Existing noise levels were measured and used to calibrate a model for existing and future volumes at both day and night times. Potentially impacted receptor sites are identified by mapping their locations, Figure 12. A cost feasibility analysis for a 10 foot high and a 20 foot high sound barrier is presented for all of the major roadway alternatives, along with figures which suggest whether they could be reasonably considered. Other suggested ways to mitigate noise are also briefly discussed and several dismissed because they are counter to the purpose for building the project. No conclusion is presented as to how this significant impact is intended to be mitigated, although the reader is left with the impression that it will have to be some form of noise barrier. Because no conclusion is reached on this issue, the impacts for construction of such noise barrier(s) is not presented, as particularly noted in Section 4.5 Surface Water Drainage, and Section 4.14 regarding Visual Quality. The FEIS should specify what noise mitigation will be provided and what impacts will result from this aspect of the proposal.

Undisclosed Impacts

Section 1.9 of the DEIS, page 8, presents Major Proposed Actions by Other Agencies which might warrant consideration in reviewing this proposal. However, no mention is made in

the DEIS that MnDOT and FHWA are developing a roadway project to upgrade nearby County State Aid Highway (CSAH) 41. CSAH 41 is located parallel to TH 23 / US71 approximately one and one-half miles west, with at least two interconnecting roadways. Average daily traffic (ADT), travel patterns, wetland and surface water impacts, and traffic noise interaction between these routes will clearly impact this DEIS proposal. These could be considered connected actions, but at least identifying coordination of these projects would inform consideration of alternatives for both proposals, and would certainly help inform the public.

We recommend that the FEIS discuss any indirect impacts to the nearby Eagle Lake State Wildlife Management Area and the Willmar State Wildlife Management Area. The DEIS makes no mention of them.

We appreciate the opportunity to review and comment on this DEIS for the Kandiyohi County Trunk Highway 23 and U.S. Highway 71 Project. Should you have any questions about our comments, please contact me or Norm West, of my staff, at 312 – 353 – 5692 or west.norman@epa.gov .

Sincerely,

/S/

Kenneth A. Westlake, Supervisor
NEPA Implementation
Office of Enforcement and Compliance Assurance

Cc: Lowell Flaten, MnDOT